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EXAMINER				
DAZENSKI, MARC A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,238

Applicant(s)

IWATA ET AL.

Examiner

MARC DAZENSKI

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 20-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 22 is objected to because of the following informalities: the claim refers to "image recognition information." However, it is unclear as to where there is support for this feature in the specification. The examiner notes that "caption recognition information" is disclosed on page 31, but cannot find support for "image recognition information." Thus, the examiner interprets the claim to read "...specifying caption recognition information as supplementary data..." Appropriate correction is required.

Claim 28 is objected to for similar reasons as claim 22 above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 23-24, 26, 29, and 31-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Akamatsu et al (US Patent 7,224,886), hereinafter referred to as Akamatsu.

Regarding **claim 20**, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses an AV device system comprising integrated receiver/decoders (100a), (100b) and recording device (110), which reads on the claimed, "A recording device for use with one or more external devices," as disclosed at column 7, lines 64-67; the apparatus comprising:

user interface section (101) for exchanging signals for setting and displaying the timer reservation with the operator using an input designation device, the reservation ID comprising a recording mode, which reads on the claimed, "a receiving unit configured to receive a record instruction specifying a processing content for recording a broadcast program from a user, the record instruction including information showing a recording format," as disclosed at column 8, lines 16-20 and exhibited in figures 2-3;

a device which inquires of the timer reservation section of the related device whether or not the related device is available for use as reserved, the device utilizing reservation data (300) which includes mode, "a collecting unit configured to collect second capability information that relates to a recording capability of the one or more external devices and includes information showing a recording format in which the one or more external devices are capable of recording," as disclosed at column 17, lines 23-34 and exhibited in figures 17 and 21-23;

integrated receiver/decoder (2210) extracts a recording device capable of recording the program from among the devices connected on the bus (10), which reads on the claimed, "a judging unit configured to determine, with reference to prestored first capability information that relates to a recording capability of the recording device and includes information showing a recording format in which the recording device is capable of recording, whether the recording device satisfies predetermined conditions, which include at least a first recording condition of whether recording can be performed in the recording format shown by the record instruction," as disclosed at column 20, lines 33-35;

recording device control section (119) for controlling the operation of the recording device (110) which records programs based upon reservation data, which reads on the claimed, "a recording unit configured to receive and record the broadcast program in accordance with the processing content if the judging unit determines that the predetermined conditions are satisfied by the recording device," as disclosed at column 8, lines 50-52 and column 20, lines 33-35; and,

a communication interface section (2002) for communicating data and control signals to other devices through a bus, and integrated receiver/decoder (2210) which selects a capable recording device based on recording medium capacity and timer reservation, which reads on the claimed, "a selecting unit configured to select an external device that satisfies the predetermined conditions including at least the first recording condition using the collected second capability information if the judging unit determines that the predetermined conditions are not satisfied by the recording device;

and a communication unit configured to convey the record instruction to the selected external device," as disclosed at column 18, lines 2-5; column 20, lines 33-45.

Regarding **claim 23**, Akamatsu discloses everything claimed as applied above (see claim 20). Further, Akamatsu discloses reservation data (2100) which includes a recording mode, a program title, and a reserved time (starting/ending time), which reads on the claimed, " wherein the record instruction further includes information specifying the broadcast program for recording," as disclosed at column 18, lines 33-36 and exhibited in figure 21;

record execution information (2400) which includes a recording mode, a program title, and a reserved time (starting/ending time), which reads on the claimed, "the first capability information further includes information showing a broadcast program receivable by the recording device," as disclosed at column 19, lines 61-67 and exhibited in figure 24;

record execution information (2300) which includes a recording mode, a program title, and a reserved time (starting/ending time), which reads on the claimed, "the second capability information further includes information showing a broadcast program receivable by the one or more external devices," as disclosed at column 19, lines 28-33 and exhibited in figure 23;

integrated receiver/decoder (2210) extracts a recording device capable of recording the program from among the devices connected on the bus (10) based upon whether the designated reserved time is available for use and then inquires as to whether the medium has a capacity required for recording the designated program,

which reads on the claimed, "the predetermined conditions are satisfied when both of the first recording condition and a second recording condition are satisfied, the second recording condition being whether the specified broadcast program is receivable by the recording device, and the selecting unit selects an external device that satisfies both of the first recording condition and the second recording condition, based on the collected second capability information, if the judging unit determines that both of the first recording condition and the second recording condition are not satisfied by the recording device," as disclosed at column 20, lines 25-45 and exhibited in figure 25.

Regarding **claim 24**, Akamatsu discloses everything claimed as applied above (see claim 20). Further, Akamatsu discloses integrated receiver/decoder (2210) extracts a recording device capable of recording the program from among the devices connected on the bus (10) based upon whether the designated reserved time is available for use and then inquires as to whether the medium has a capacity required for recording the designated program, which reads on the claimed, "a requesting unit configured to (i) monitor whether the selected external device to which the record instruction has been conveyed has completed the recording according to the recording instruction, and (ii) request the selected external device to transmit the recorded broadcast program when determining that the recording according to the recording instruction has been completed; and a second recording unit configured to (i) receive the broadcast program transmitted from the selected external device in response to the request, and (ii) record the received broadcast program to a recording medium," as disclosed at column 20, lines 25-45 and exhibited in figure 25 (wherein the

receiver/decoder (2210) must also monitor whether the recording is completed or else it would not be able to have a device connected on the bus (10) record it).

Regarding **claim 26**, Akamatsu discloses a method of using AV devices and AV device system. Further, Akamatsu discloses an AV device system comprising integrated receiver/decoders (100a), (100b) and recording device (110), as well as a system with various devices connected by a bus, which reads on the claimed, "proxy-recording device for use with an external device," as disclosed at column 7, lines 64-67; column 17, lines 12-13; and exhibited in figure 17; the apparatus comprising:

integrated receiver/decoder (2210) which extracts a recording device capable of recording the program from among the devices connected on the bus (10) via timer reservations comprising a recording mode, which reads on the claimed, "a capability-disclosing unit configured to convey, to the external device, capability information that relates to a recording capability of the proxy-recording device and includes information showing a recording format in which the proxy-recording device is capable of recording," as disclosed at column 20, lines 33-35 and exhibited in figures 2-3;

the recording devices are inquired whether the designated reserved time is available for use, and extracts any one of them available for use, then inquires the devices regarding medium capacity, and from among these recording devices a related device for recording the program at the time of executing the reservation is determined, which reads on the claimed, "a proxy-receiving unit configured to receive a record instruction specifying a processing content for recording a broadcast program from the external device, the record instruction including the recording format; and a proxy-

recording unit configured to (i) receive the broadcast program according to the received record instruction, and (ii) record the received broadcast program in a recording medium using the recording format," as disclosed at column 20, lines 35-45 and exhibited in figure 25.

Regarding **claim 29**, Akamatsu discloses everything claimed as applied above (see claim 26). Further, Akamatsu discloses record execution information (2300) which includes a recording mode, a program title, and a reserved time (starting/ending time), which reads on the claimed, "wherein the capability information further includes information showing a broadcast program receivable by the proxy-recording device, the record instruction further includes information specifying the broadcast program for recording," as disclosed at column 19, lines 28-33 and exhibited in figure 23; and, integrated receiver/decoder (2210) extracts a recording device capable of recording the program from among the devices connected on the bus (10) based upon whether the designated reserved time is available for use and then inquires as to whether the medium has a capacity required for recording the designated program, which reads on the claimed, "the proxy-recording unit receives the specified broadcast program and records the received broadcast program in the recording medium using the recording format," as disclosed at column 20, lines 25-45 and exhibited in figure 25.

Regarding **claim 31**, the examiner maintains the claim is the corresponding method to the apparatus of claim 20, and is therefore rejected in view of the explanation set forth in claim 20 above.

Regarding **claim 32**, the examiner maintains the claim is the corresponding method to the apparatus of claim 26, and is therefore rejected in view of the explanation set forth in claim 26 above.

Regarding **claim 33**, the examiner maintains the claim is the corresponding program enacting the method of claim 31, and is therefore rejected in view of the explanation set forth in claim 31 above.

Regarding **claim 34**, the examiner maintains the claim is the corresponding program enacting the method of claim 32, and is therefore rejected in view of the explanation set forth in claim 32 above.

Regarding **claim 35**, the limitations of the claim are rejected in view of the explanation set forth in claim 20 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akamatsu et al (US Patent 7,224,886), hereinafter referred to as Akamatsu, in view of Logan et al (US PgPub 2005/0005308), hereinafter referred to as Logan.

Regarding **claim 21**, Akamatsu discloses everything claimed as applied above (see claim 20). However Akamatsu fails to disclose the record instruction includes information specifying corner indexing as supplementary data for adding to the processing content. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Logan.

In a similar field of endeavor, Logan discloses methods and apparatus for recording and replaying sports broadcasts. Further, Logan discloses a host system organizes and transmits program segments to client and subscriber locations and further that metadata is employed to identify starting and ending points of segments of the stored broadcast, which reads on the claimed, "the record instruction includes information specifying corner indexing as supplementary data for adding to the processing content," as disclosed at paragraphs [0017], [0030], and [0041] (wherein Applicant discloses at page 30 of the specification that corner indexing is "a known basic motion-analysis processing operation...for detecting scenes in broadcast programs...and using detected scenes in video indexing," and because the metadata of Logan segments the stored program, the examiner maintains that the metadata of Logan must be stored along with the program and is further added to the processing content or else the viewer would not be able to view segments of a stored presentation).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of using AV devices and AV device system of Akamatsu to include a host system organizes and transmits program segments to client and subscriber locations and further that metadata is employed to

identify starting and ending points of segments of the stored broadcast, as taught by Logan, for the purpose of allowing a user to selectively play back selected sequences of segments of a stored video presentation.

Further, the examiner maintains that the remaining limitations of the claim are functionally identical to those of claim 20, and therefore are rejected in view of the explanation set forth in claim 20 above.

Regarding **claim 27**, the limitations of the claim are rejected in view of the explanation set forth in claims 26 and 21 above (wherein claim 21 discloses the addition of corner indexing and claim 26 discloses the basic functionality of the remaining limitations of the claim).

Claims 22, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akamatsu et al (US Patent 7,224,886), hereinafter referred to as Akamatsu, in view of Yamada et al (US Patent 6,370,316), hereinafter referred to as Yamada.

Regarding **claim 22**, Akamatsu discloses everything claimed as applied above (see claim 20). However Akamatsu fails to disclose the record instruction includes information specifying image recognition as supplementary data for adding to the processing content. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Yamada.

In a similar field of endeavor, Yamada discloses an apparatus for retrieving and administrating moving pictures and related network system. Further, Yamada discloses a caption frame detecting section (1301) which detects a frame displaying a character

string superimposed thereon and then stores titles given to respective indices and character strings obtained by the character recognizing section (1302), which reads on the claimed, "wherein the record instruction further includes information specifying image recognition information as supplementary data for adding to the processing content," as disclosed at column 16, lines 45-65 and exhibited in figures 13 and 14 (wherein Applicant discloses at page 31 of the specification that caption recognition is "known technology for recognizing character information displayed on the screen during the broadcast of a program and extracting this information of use in video indexing" and because the system of Yamada creates scenes indices from the recognition of caption data, the examiner maintains that this caption information is included in the index storing section (1303) and is further added to the processing content or else the viewer would not be able to view indices of the stored presentation, as disclosed in step (1417) of figure 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of using AV devices and AV device system of Akamatsu to include a caption frame detecting section which detects a frame displaying a character string superimposed thereon and then stores titles given to respective indices and character strings obtained by the character recognizing section, as taught by Yamada, for the purpose of allowing a user to selectively play back selected sequences of segments of a stored video presentation.

Further, the examiner maintains that the remaining limitations of the claim are functionally identical to those of claim 20, and therefore are rejected in view of the explanation set forth in claim 20 above.

Regarding **claim 28**, the limitations of the claim are rejected in view of the explanation set forth in claims 26 and 22 above (wherein claim 22 discloses the addition of image recognition and claim 26 discloses the basic functionality of the remaining limitations of the claim).

Regarding **claim 30**, the combination of Akamatsu and Yamada discloses everything claimed as applied above (see claim 28). Further, Akamatsu discloses Further, Akamatsu discloses communication interface section (2002) for communicating data and control signals to other devices through a bus, the devices (2210) to (2250) each having a timer reservation section and are the same as the corresponding device of the aforementioned AV device system in that data are transmitted and received by way of the communication interface section, the control section, and the timer reservation section, which reads on the claimed, "a request-receiving unit configured to receive a request for transmitting the recorded broadcast program from the external device after the proxy-receiving unit has received the record instruction and the proxy-recording unit has completed the recording according to the record instruction, and a transmission unit configured to transmit the recorded broadcast program which has been recorded in the recording medium to the external device in response to the received request," as disclosed at column 18, lines 2-5; column 19, lines 8-20; and figure 22.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akamatsu et al (US Patent 7,224,886), hereinafter referred to as Akamatsu, In view of Imada et al (US Patent 7,254,318), hereinafter referred to as Imada.

Regarding **claim 25**, Akamatsu discloses everything claimed as applied above (see claim 20). Further, Akamatsu discloses reservation data having a mode and tape speed, which reads on the claimed, "wherein the record instruction further includes one or more presetting conditions," as exhibited in figure 4;

recording device control section (119) for controlling the operation of the recording device (110) which records programs based upon reservation data, which reads on the claimed, "the predetermined conditions are satisfied when the first recording condition and all of the one more presetting conditions are satisfied... wherein the recording-execution unit causes the recording device to perform the recording when the selected device is the recording device," as disclosed at column 8, lines 50-52 and column 20, lines 33-35; and,

a communication interface section (2002) for communicating data and control signals to other devices through a bus, and integrated receiver/decoder (2210) which selects a capable recording device based on recording medium capacity and timer reservation, which reads on the claimed, "wherein the recording-execution unit causes the communication unit to convey the record instruction to the selected external device when the selected device is one of the one or more external devices," as disclosed at column 18, lines 2-5; column 20, lines 33-45.

However, Akamatsu fails to disclose the recording device further comprises a recording-execution unit configured to, if the judging unit determines that none of the recording device and the one or more external devices are able to execute the processing content, (i) exclude at least one condition from the first recording condition and the one or more presetting conditions, and (ii) select a device from among the recording device and the one or more external devices, with reference to the first capability information and the second capability information, that satisfies the first recording condition and the one or more presetting conditions, excluding the at least one condition. The examiner maintains it was well known to include the missing limitations, as taught by Imada.

In a similar field of endeavor, Imada discloses a recording apparatus, recording program, and recording method. Further, Imada discloses a re-encode process which re-encodes a reserved recording to a lower bit-rate depending on the image quality desired and available recording capacity, which reads on the claimed, "the recording device further comprises a recording-execution unit configured to, if the judging unit determines that none of the recording device and the one or more external devices are able to execute the processing content, (i) exclude at least one condition from the first recording condition and the one or more presetting conditions, and (ii) select a device from among the recording device and the one or more external devices, with reference to the first capability information and the second capability information, that satisfies the first recording condition and the one or more presetting conditions, excluding the at

least one condition,” as exhibited in figures 9A-12 and their supporting text (wherein the “image quality” reads on the claimed excluded “at least one condition”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of using AV devices and AV device system of Akamatsu to include a re-encode process which re-encodes a reserved recording to a lower bit-rate depending on the image quality desired and available recording capacity, as taught by Imada, for the purpose of making more efficient use of an available capacity of a recording medium.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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